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Security Council

Sixty-fourth year

Provisional

6244th meeting

Wednesday, 16 December 2009, 10.35 a.m.

New York

President:	Mr. Kafando	(Burkina Faso)
Members:	Austria	Mr. Lutterotti
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. De Rivière
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation concerning the Democratic Republic of the Congo

Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/623)

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The meeting was called to order at 10.35 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/623)

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Alan Doss, Special Representative of the Secretary-General and head of the United Nations Organization Mission in the Democratic Republic of the Congo.

It is so decided.

I invite Mr. Doss to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of Council members to document S/2009/623, which contains the thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.

At this meeting, the Security Council will hear a briefing by Mr. Alan Doss, to whom I now give the floor.

Mr. Doss (*spoke in French*): It is an honour for me to provide once again an overview of the situation in the Democratic Republic of the Congo and of the status of implementation of the mandate that the Council gave to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in December 2008. As the Council is currently discussing the future of the Mission, I shall concentrate on the remaining challenges in the peace process and on our proposals for addressing those challenges in the near future.

(*spoke in English*)

Members have received the Secretary General's report (S/2009/623), and I have little to add in the way of fresh information, except on the situation in Equateur province. Government forces have retaken the town of Dongo, where the incidents began three weeks ago. MONUC has dispatched a military and civilian team to the area to help prepare the way for the return of the population and to facilitate the arrival of humanitarian assistance.

In the east, we have focused our efforts on containing and reducing the threat posed by the main foreign armed groups in the Democratic Republic of the Congo, namely the Forces démocratiques de libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA). October and November have seen significant numbers of surrenders and candidates for voluntary repatriation from both groups. Since the beginning of the year and until mid-December, more than 1,400 FDLR combatants have surrendered, roughly three times the average of previous of years.

There are also a growing numbers of LRA combatants surrendering; the most important was the surrender of Charles Arop, who commanded operations at the time of the Christmas massacre at Faradje last year.

Kimia II — the operation against the FDLR — will be completed on 31 December. The operation has focused on disrupting and dispersing FDLR forces in order to end their control of population centres and to weaken their capacity to exploit the country's natural wealth. That objective has been largely achieved, although we do recognize that there have been very serious and tragic humanitarian consequences.

I wish to emphasize, however, that these operations were not expected to completely dismantle the FDLR, which has been entrenched in the Kivus for more than a decade. The FDLR remains a potent threat and they will seek to return to their former strongholds and punish the population for collaboration with governmental forces if they are allowed to do so. I am pleased to report therefore that a new directive was approved this morning by the Chief of Staff of the Forces armées de la République démocratique du Congo (FARDC) and the United Nations Force Commander. Under this directive, the FARDC and MONUC will now concentrate on holding ground recovered from the FDLR and preventing attacks on civilians in areas of vulnerability, while undertaking

focused interventions against any centres of command and control where the FDLR may have regrouped. Protection of civilians will be at the core of these operations.

As we have said before to the Council, the menace of the FDLR can be ended only by a combination of measures: military pressures allied to incentives for surrender; proper State control of the trade in mineral and other resources; and judicial proceedings against the expatriate elements that continue to fund, encourage and assist criminal activities in the eastern Democratic Republic of the Congo. This is an agenda for action that obviously goes beyond MONUC's mandate and means and requires regional and international support

The latest report of the Group of Experts on the Democratic Republic of the Congo (see S/2009/603) provides ample evidence of the critical role that expatriate leaders play in funding, organizing and directing the activities of the FDLR in eastern Democratic Republic of the Congo. The report also underscores the importance of cracking down on illegal trading networks that have funded the FDLR and other armed groups in the Democratic Republic of the Congo. The Governments of the region and beyond should work together and identify ways and means to control and regulate the trade in minerals and other natural resources to ensure that companies importing minerals from the Democratic Republic of the Congo exercise due diligence.

At the same time the Congolese Government must ensure the progressive demilitarization of the mining areas and prevent its own armed forces from exploiting these resources. The Group of Experts has pointed to collusion by some FARDC elements with the FDLR, which we deplore. But we should also recognize that the FARDC has dislodged the FDLR from its former strongholds and has not wavered in its determination to deal with the FDLR — which until a year ago was certainly not the case. However, the Government needs to move expeditiously to establish State authority in these areas while also prosecuting those who commit human rights violations.

We welcome the arrest of two individuals indicted by the International Criminal Tribunal for Rwanda among the FDLR leaders in the eastern Democratic Republic of the Congo and Uganda, which was followed in November by the arrest in Germany of the Chairman of the FDLR and his deputy. This is the first time that FDLR leaders have been indicted for crimes committed by the group in the Democratic Republic of the Congo — crimes that continue unabated to this day. I urge other countries to follow Germany's lead by initiating legal proceedings against other members of the FDLR political leadership that are involved in supporting the crimes that are committed in the eastern Democratic Republic of the Congo.

The Council has stipulated that MONUC support for the FARDC is contingent upon respect for human rights, international humanitarian law and refugee law. In line with the guidance received from United Nations Headquarters, we have adopted a policy conditioning MONUC's support for any operations, a policy which is already being applied. That policy has been shared with the Government and underpins President Kabila's own zero-tolerance initiative, which is a vital ingredient in the fight against impunity and the protection of civilians.

Unfortunately, with the recent round of integration and demobilization of Congolese armed groups, the problem of discipline in the FARDC has worsened. That is not a new problem, as previous waves of integration have brought many undisciplined and untrained elements into the army. That was the price of peace. It is essential, therefore, that security sector reform address this recurring problem through a structured process of vetting and training and by ensuring that the security forces are paid regularly and on time. MONUC is currently drawing up a vetting procedure, which we are sharing with our partners who are also engaged in military cooperation with the Democratic Republic of the Congo.

Since my last briefing to the Council (see S/PV.6203), events on the ground in the Democratic Republic of the Congo have underlined the many challenges that we face in efforts to implement the provisions of the mandate that it has entrusted to us.

The first challenge, of course, is protection. Human rights violations continue on a wide scale in the east, particularly in the Kivus. There have also been several cases of attacks on human rights defenders in other parts of the country. The humanitarian situation in the Kivus remains precarious, and overall displacement remains high despite recent returns by internally displaced persons (IDPs) from camps around

Goma. Sexual violence continues unchecked. Armed groups, together with uncontrolled elements of the FARDC itself, are responsible for most of those violations.

MONUC has finalized and is implementing, together with other United Nations agencies and non-governmental organizations, a multifaceted protection strategy. Every day, in many areas of the eastern Democratic Republic of the Congo, MONUC is helping to protect tens of thousands of civilians under the threat of imminent danger. We have continued to deploy joint protection teams; we are mapping conflict and identifying "must protect" areas in cooperation with local military and civilian authorities; and additional mobile and temporary operating bases have been established in South Kivu, Ituri and both Uélé districts for the immediate protection of vulnerable populations.

In Bas Uélé, where our presence is still limited, the deployment of an additional battalion will enable the Force to accompany humanitarian agencies on short-term missions to previously inaccessible locations where critical humanitarian conditions are reported. Fifty-eight of those forward bases are now operational. I have visited a number of them in some very remote parts of the Kivus, and I can assure the Council personally that local people greatly appreciate our presence and the protection that MONUC provides to them.

The Council is aware, however, of the dilemma faced by MONUC, which is inherent in the mandate that enjoins us to give the highest priority to the protection of civilians, while at the same time working with the FARDC, which includes elements that have been responsible for human rights violations, to disarm groups, such as the FDLR, that have been a constant threat to the people of eastern Congo for over a decade. There is no easy answer to that dilemma and we are looking to the Council for clear guidance in that respect.

The second challenge is integration, which is tenuous and is creating renewed tensions and uncertainties in the Kivus. There are two main reasons for that: residual armed groups which are reluctant to integrate or demobilize, and the ex-Congrès national pour la défense du people (CNDP), which has not yet dismantled its parallel military and administrative structures in some areas that were previously controlled by the group. Lack of progress on outstanding issues related to the 23 March agreements is often used as a pretext for reluctance to complete integration and support the extension of State authority. The Government needs to reach out to recalcitrant groups and to address their grievances, but all stakeholders have to understand that maintaining parallel structures or militias is incompatible with the peace process, and that the Government has the right to use appropriate means to impose its authority on those who continue to challenge it, albeit within the framework of international human rights and humanitarian law.

At the same time, the Government should make every effort to overcome the shortcomings that have hampered military and police integration. The Commission on the Allocation of Military Ranks should strive for a rapid conclusion to its proceedings in order to clarify the status and function of all newly integrated officers. Now that the census of the army has been completed by the European Union Mission of Assistance for Security Sector Reform, salaries should be paid on time and mechanisms should be established to make sure that payments reach the rank and file. The garrisoning of troops who are not essential for ongoing operations and protection purposes should start immediately, and the FARDC should identify the battalions designated for training so that the FARDC and MONUC can proceed with vetting and with the separation of those who do not meet the standards of professional security forces in order to build a reasonably sized force that can progressively take over security responsibilities from MONUC, as the Secretary-General has recommended in his report. Newly deployed and integrated police should be regularly paid as well and properly equipped. Furthermore, funding for the continued reintegration of former combatants into civilian life will have to be secured.

Eventually, all these efforts will have to be channelled into a comprehensive security sector reform process at the national level. The police component of that process is largely on track, with a three-year action plan and a longer-term strategic perspective. However, army reform is still in an embryonic stage, and justice sector reform requires renewed momentum. The Government's army reform plan is under examination in parliament. Once approved, the long-promised discussion with those international partners willing to

assist in its implementation should be convened without further delay.

The third challenge involves IDPs and refugees, who have started returning. In some return areas, security conditions are still very volatile and have been exacerbated by conflicting land claims and the competition for mineral resources. These problems have been aggravated by undocumented border crossings and by allegations that ex-CNDP elements have created protected areas for returnees. We need to be very clear on this: yes, returning IDPs and refugees have the right to protection, but it is the role of the State, and not of armed groups, to provide such protection. A privatization of protection tasks would only lead to the re-emergence of ethnic militias, with the potential to unravel the integration process and spark renewed ethnic violence.

The Governments of the Democratic Republic of the Congo and its three eastern neighbours, Uganda, Rwanda and Burundi, are negotiating tripartite agreements under the auspices of the United Nations High Commissioner for Refugees, and the Office of the United Nations High Commissioner for Refugees, with the support of the United Nations country team, is preparing support programmes for reintegration that will benefit not only the returnees, but also the communities that they are joining.

While those negotiations are ongoing, ways of managing the flow of returns should be sought and a comprehensive mechanism put in place to address related land conflicts. We have urged the Government to establish the permanent conciliation committees foreseen in the 23 March agreements for that purpose.

The efforts to stabilize the eastern Democratic Republic of the Congo can be sustained only if they are supported by nationwide efforts to consolidate democracy and to improve governance, in particular financial management, as well as to promote socio-economic recovery, and to encourage business investment and employment, a point recently emphasized by President Kabila in his state of the nation address. It is a truism that there can be no development without peace and security and that peace and security cannot be maintained in an environment of continued social and economic hardship. An integrated peacekeeping mission like MONUC can assist in creating a favourable environment in terms of peace and security and, together with the United Nations country team and other partners, help the Government to lay the foundations for longer-term recovery and development. The Integrated Strategic Framework, which is currently under preparation, is a pointer in that direction.

As the Council requested in resolution 1856 (2008), we have now concentrated almost all our military forces in the east. More than 95 per cent are now in that part of the country.

A significant number of United Nations police and civilian personnel have also been reassigned to the eastern provinces. The progressive transition to the East is therefore practically complete, although we are continuing to close some facilities in the western provinces. In recent years, United Nations agencies have also focused on the eastern Democratic Republic of the Congo and have very few resources, including staff, allocated to the western part of the country. That means that they do not have the capacity to take over MONUC responsibilities without considerable additional support from the donor community.

Before I conclude, let me say a few words on MONUC's future. MONUC's current mandate is elaborate, complex and covers a wide range of tasks. It has allowed us a valuable degree of flexibility in a rapidly evolving political and military environment. But sometimes it has raised expectations beyond the Mission's resources or capabilities. I would hope, therefore, that future mandates will simplify the range of tasks that the Mission is expected to undertake.

During the first half of 2010, we expect to have more clarity on the evolving situation in the eastern Democratic Republic of the Congo, the impact of measures to enhance the protection of civilians, the integration process and a timetable for elections. The Department of Peacekeeping Operations should then be in a better position to propose a realistic plan for MONUC and its reconfiguration.

I would add, if I may, a mention of something that happened 10 days ago in Dongo, which the members of the Council may or may not be aware of. But I think it points to the work that MONUC does. Ten days ago, a helicopter with civilian staff, as well as some elements of the force, arrived in Dongo to resupply our military observers there, who were trying to see what was happening in the outbreak of violence. On arriving, the helicopter was attacked by some of the insurgents. Members of the crew were wounded. They

managed, nevertheless, to evacuate wounded soldiers who were guarding the helipad. The rotors were hit, the fuel tank was hit, and the crew still managed to take off and fly everybody to safety 130 kilometres away in the Republic of the Congo, across the river. Their heroism saved 25 lives.

I think that is a good illustration of what the Mission does, day in and day out, that does not always get the attention of the public and the media. I would like to put on record our appreciation of the heroism of that Russian helicopter crew, who, as I said, saved the helicopter and its passengers from what almost certainly would have been a much worse situation — probably leading to the deaths of several of them.

(*spoke in French*)

On 30 June 2010, the Democratic Republic of the Congo will celebrate the fiftieth anniversary of its independence. Shortly after the birth of the new State in 1960, the United Nations intervened to prevent the break-up of the country. Many Congolese remember that United Nations intervention with gratitude. In the course of the past 10 years, MONUC has supported the Democratic Republic of the Congo in its slow emergence from the greatest crisis experienced by the country since Katanga's attempted cessation. In that time, MONUC has provided multifaceted support for the establishment of the current institutions and for the pursuit of the democratic process. It is important that we continue to pursue and strengthen that process.

The President (*spoke in French*): I thank Mr. Doss for his briefing.

There are no others speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.55 a.m.